

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
E/S Horn Avenue, 1100' S
of Belair Road
9509 Horn Avenue
11th Election District
5th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-498-A

Richard A. Piniecki, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 427 (A) & (B) to allow a 6 foot high privacy fence in the front yards of 9507 and 9509A Horn Avenue in lieu of 42 inches, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow a 6 foot high privacy fence to be constructed along the property lines of the rear yard of their lot at 9509 Horn Avenue. Due to the relationship of the Petitioners' rear yard to the neighboring house at 9507 Horn Avenue and 9509-A Horn Avenue, the 6 foot fence abuts the front yards in violation of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1), of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public. As evidenced by the Petitioners' Exhibit No. 3, the neighbors appear to desire to have the privacy fence constructed.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of June, 1990 that the Petition for a Zoning Variance, pursuant to Section 427 (A) & (B), to allow a 6 foot high privacy fence in the front yards of 9507 and 9509A Horn Avenue in lieu of 42 inches, and in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

3. The Petitioners shall maintain the fence in a good state of repair and replace all broken boards or post. The Petitioners shall not allow the fence to become unsafe or dangerous to the health or safety of anyone.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 15, 1990



Dennis F. Rasmussen
County Executive

Mr. and Mrs. Richard A. Piniecki, Jr.
9509 Horn Avenue
Baltimore, Maryland 21236

RE: Petition for Residential Zoning Variance
Case No. 90-498-A

Dear Mr. and Mrs. Piniecki:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

427.A & B To allow a 6 foot high privacy fence in the front yards of

9507 & 9509A Horn Avenue in lieu of 42 inches.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):
1- Allow a continuous 6 ft. privacy/safety fence-187 ft. M/L. (A small portion is subject to a 42" height restriction).
2- The 30 foot setback from my house for 6 ft. height, makes lot too small for planned improvements, including swimming pool.
3- Privacy of continuous 6 ft. fence is preferred by adjacent lot owner (see attached notarized letter).

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

RICHARD A. PINIECKI, JR.

(Type or Print Name)

Signature

NANCY D. PINIECKI

(Type or Print Name)

Signature

Address

City/State/Zip Code

Home, address and phone number of legal owner, contract purchaser or representative to be contacted.

Address

Home

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of April 1990, that the subject matter of this petition be posted on the property on or before the 23rd day of May 1990.

J. Robert Haines
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of April 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of May 1990, at 10 o'clock.

ZONING COMMISSIONER OF BALTIMORE COUNTY

Zoning Description
Richard A. Piniecki Jr.
9509 Horn Ave.
Baltimore, Md.
21236

Property is known as lot No. 31, as shown on Plat entitled "Plat Two, Sharondale East", which plat is recorded among the Land Records of Baltimore County in Liber S-M, No. 55, folio 128, containing 7052.36 sq. feet (.1619 acres). Also known as 9509 Horn Ave., and located in the 11th Election District.

Beginning at Baltimore County coordinate RW48 (N39998.87/E42127.62), S.76°01'46"E. 7.34', N.10°11'35"E. 66.78', S.80°27'28"E. 101.2', S.09°32'32"W. 74.67', S.76°01'46"E. 102.27', to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th
Posted for: Variance
Petitioner: Richard A. Piniecki, Jr. et ux
Location of property: Horn Ave. N. of Belair Rd. & Howard St.
Location of Sign: 9509 Horn Ave. 20' from road
Remarks: am property of Baltimore
Posted by: J. Robert Haines
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: _____

Mr. & Mrs. Richard A. Piniecki, Jr.
9509 Horn Avenue
Baltimore, Maryland 21236

Re:

Case Number: 90-498-A
Location: 9509 Horn Avenue
Petitioner(s): Richard A. Piniecki, Jr., et ux

Dear Petitioner(s):

No hearing having been requested by your neighbors or by the Zoning Commissioner, the above matter has completed the Administrative process.

Please bring the sign and post to 111 W. Chesapeake Avenue, Towson, Maryland, Room 113 at your earliest convenience. When you return the sign and post, you will be given a copy of the written Order relative to this case.

Thank you for your cooperation.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 11, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Richard A. Piniecki, Jr.
9509 Horn Avenue
Baltimore, Maryland 21236

Re: *CASE NUMBER: 90-498-A
ITEM NUMBER: 380
LOCATION: 9509 Horn Avenue

Dear Petitioner:

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case numbers. *Any contact made to this office should reference this number.

After the closing date to file a request for hearing has passed, the file will be taken to the Zoning Commissioner for review. You will next receive from this office:

1) Notice that a formal request for hearing has been filed, taking the matter out of the administrative process. This will mean advertising and reposting of the property and a public hearing to be scheduled approximately 30 - 45 days from receipt of said notice.

OR

2) Notice that the matter has completed the administrative process and that you may return the sign/post and pick-up your Order.

Very truly yours,

G. G. Stephens

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

May 16, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Richard A. Piniecki, Jr.
9509 Horn Avenue
Baltimore, MD 21236

RE: Item No. 380, Case No. 90-498-A
Petitioner: Richard A. Piniecki, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Piniecki:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

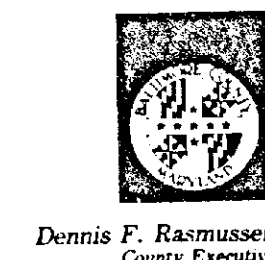
Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
15th day of May, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard A. Piniecki, et ux

Petitioner's Attorney:

380

9509A Horn Ave.
Baltimore, Md. 21236
April 16, 1990

90-498-A

Dear Mr. Piniecki:

Zoning restriction limits a small portion of your proposed
187 foot (more or less) fence, to a 42 inch height.
This letter confirms my willingness to accept a zoning
variance, and allow a continuous 6 foot fence.

Sincerely,
Thomas E. Person
Thomas E. Person
Owner

Petitioner's
Exhibit 3

Subscribed and sworn to before me this 16th day of
April 1990.

Pauline J. Dyer
NOTARY PUBLIC

My commission expires 7-01-90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: May 14, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Richard A. Piniecki, Jr., et ux, Item No. 380

The Petitioners request a residential Variance to fence height requirements.

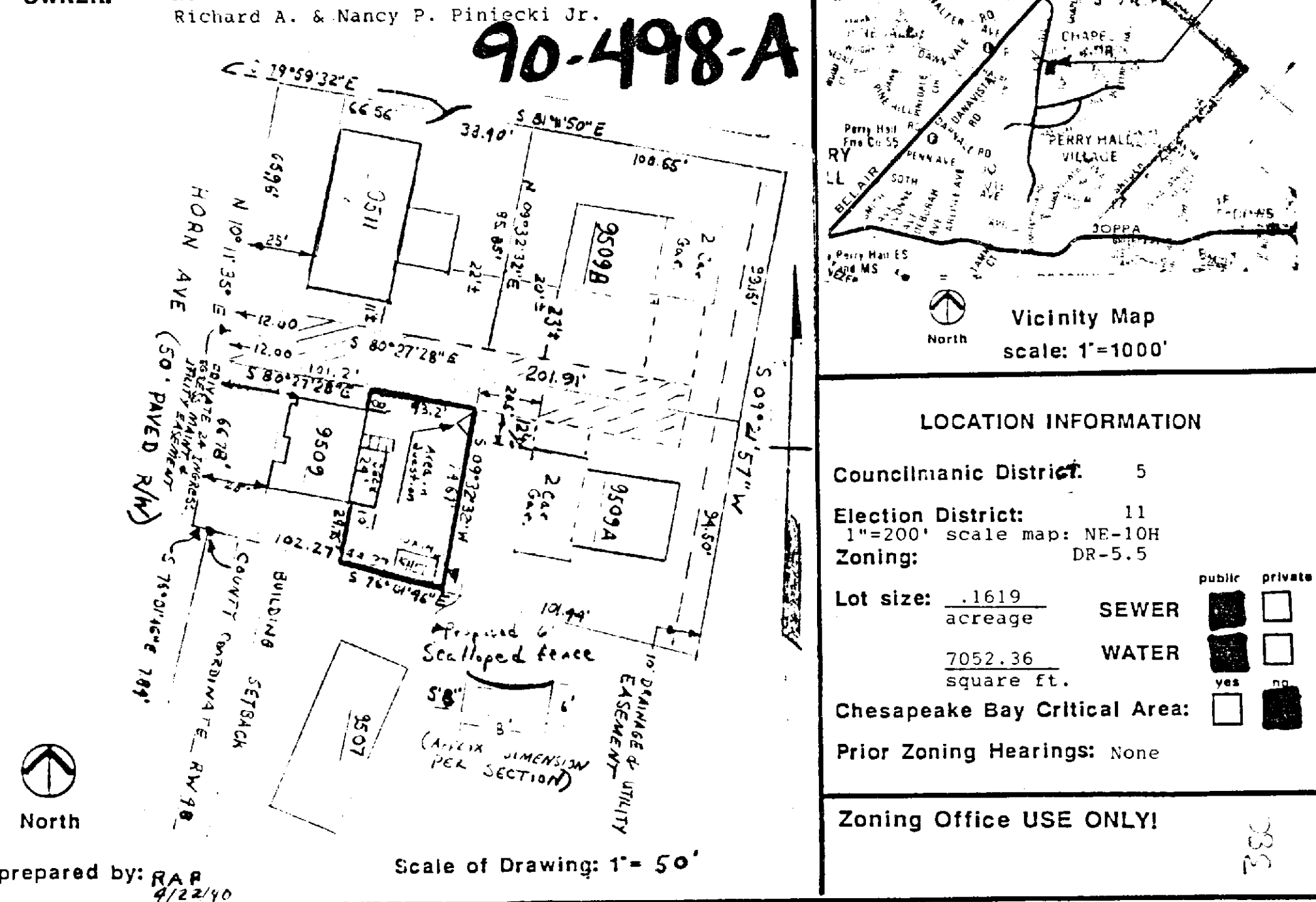
In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Plat to accompany Petition for Zoning Variance/Special Hearing

PROPERTY ADDRESS: 9509 Horn Ave. Subdivision: Sharondale
East Plat Two, Plat Book S.M. 55, Folio 128, Lot
No. 31.
OWNER: Richard A. & Nancy P. Piniecki Jr.



Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

MAY 16, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD A. PINIECKI, JR.

Location: 9509 HORN AVENUE

Item No.: 380 Zoning Agenda: MAY 22, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *Paul H. Reincke* 5/16/90 Noted and Approved: *Paul H. Reincke* 5/16/90
Special Inspection Division Fire Prevention Bureau

JK/ELK

